IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3329 OF 2005

Shri Umesh B.Sharma, & ors .. Petitioners
Vs
State of Maharashtra & ors .. Respondents.

Mr P.K.Dhakephalkar, senior advocate, i/b Mr V.K.Vatsa, for the petitioners.
Mr A.H.Palekar, AGP for respondent nos 1 and 2.
Mr S.A.Ingawale, for respondent no.3.

CORAM : D.B.BHOSALE,J.

DATE : 16.08.2006

P.C.

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 25.4.2005 passed by the Charity Commissioner, Maharashtra State, Mumbai, on the application for stay dated 11.4.2005, by which that application was allowed and the stay to the execution and operation of the impugned order dated 7.4.2005 passed by the learned Assistant Charity Commissioner in inquiry application no.684 of 2004 came to be passed. In the Inquiry Application no.684 of 2004 the learned Assistant Charity Commissioner, vide order dated 7.4.2005, had accepted the change report bearing inquiry no.684/04 filed under section 22 of the Bombay Public Trusts Act,1950. The order of stay

granted by the impugned order operates till today. Though the petition in this court is pending since May, 2005, no interim order was passed in the writ petition. Keeping that in view and considering the overall facts and circumstances of the case and that the order of stay is in operation since 25.4.2005, I am satisfied that the ends of justice would be met if the Charity Commissioner is directed to decide Appeal No.29 of 2005 within timeframe. Hence, the following order.

(i) The Charity Commissioner shall endeavour to dispose of Appeal no.29 of 2005 as expeditiously as possible and preferably within six weeks from the date of receipt of this order on merits in accordance with law and uninfluenced by the observations made in the impugned order.

(ii) The writ petition is accordingly disposed of.

(D.B.BHOSALE, J.)